

REMARKS

The Office Action dated November 10, 2004 has been received, its contents carefully noted, and the applied citations thoroughly studied. At the outset, undersigned wishes to gratefully acknowledge the Examiner's perception of patentable subject matter as it pertains to claims 10, 11, 14, 15, and 19. The following remarks when coupled with the revisions to the specification and to those claims hereinabove should provide the requisite distinction for the Examiner to conclude that patentable merit exists in those claims as now amended. Reconsideration by the Examiner is therefore respectfully requested.

It is believed that the foregoing revisions to the claims are within the metes and bounds of the recently articulated Supreme Court *Festo* case, in that all equivalents susceptible to capture have been retained in that one skilled in the art, at the time of this amendment, could not have reasonably be expected to have drafted a claim that would have literally encompassed any other equivalent.

Disclosure Objections

The Examiner has objected to the disclosure. Specifically, the Examiner has objected to the concentration units disclosed for calcium chloride and to the use of "ETOH" to denote ethanol. Regarding calcium chloride, the concentrations shown in millimolar units (rather than micromolar units) are the original reagent concentrations, not the final concentrations of calcium chloride in the compositions. The relevant portions of the specification have been amended in accordance with the Examiner's suggestions.

Claim Objections

The Examiner has objected to claims 10, 11, 14, 15, and 19 for use of "ETOH" to denote ethanol. The claims have been amended to recite "EtOH" instead of "ETOH".

Rejections under 35 U.S.C. §102

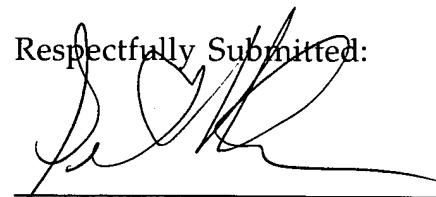
The Examiner has rejected claims 9 and 16-18 under 35 U.S.C. § 102(b) as being anticipated by Boss, Jr. (5,591,444) and under 35 U.S.C. § 102(e) as being anticipated by Baugh et al. (6,444,228). Claims 9 and 16-18 have been cancelled from the application without prejudice or disclaimer.

The Examiner notes that independent claims 10 and 19 are patentable. Claims not deemed patentable by the Examiner have been cancelled. Claims which have been added depend from either claim 10 or claim 19. Thus, the new claims, depending from allowed claims, are similarly allowable.

In view of the foregoing, it is respectfully requested that the Examiner pass this case to issue. If, upon further consideration, the Examiner believes further issues remain outstanding or new ones have been generated, undersigned respectfully requests that the Examiner call undersigned to expeditiously resolve same.

Dated: February 10, 2005

Respectfully Submitted:



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